

**APPEAL OF THE DECISION OF THE  
HERITAGE PRESERVATION COMMISSION  
MINNEAPOLIS, MINNESOTA**

BZH  
27287

The undersigned hereby Appeals to the City Council the decision of the Heritage Preservation Commission, as authorized in section 599.190 of the Minneapolis Code of Ordinances.

1. Name of Appellant:

City of Minneapolis Public Works

Address:

350 South 5<sup>th</sup> Street, Minneapolis

Daytime Telephone:

612-673-3759

2. Street address of Affected Property:

1101 Nicollet Avenue S.

Legal Description:

Tract A. Registered Land Survey No 1750, Hennepin County, Minnesota filed on  
Dec 23, 2004, as Registrar of Titles Document No.  
4056794.

3. Describe the decision being appealed and the reasons for appealing the decision.  
Attach additional documentation as needed:

Appellant asserts that the demolition permit is necessary to allow the City to renovate the Plaza in a way that will address public safety and public use concerns associated with continued deterioration and the existing "hidden" spaces on the Plaza that lack visibility and invite criminal behaviors as well as accessibility issues with the current design. There are no reasonable alternatives to demolition that would maintain the integrity of the current design and address the public safety and accessibility concerns in a financially feasible and sustainable way.

Appellant disputes that Peavey Plaza warrants designation as a historic resource. Peavey Plaza has been materially altered from its original design in several areas, compromising the architectural integrity of the original design. Modifications include the complete replacement of all grass areas with paving, modifications to plumbing systems for the water features, and the replacement of planter beds with pre-cast concrete modular retaining wall systems in areas along Nicollet Mall and 12<sup>th</sup> Street. Even if Peavey Plaza is determined to be a historic resource, a demolition permit is warranted. Appellant has completed an existing conditions assessment, design studies, and economic analyses over the past eighteen months and determined that Peavey Plaza is functionally obsolete and the cost to repair or replicate is not feasible.

Peavey Plaza could not legally be built today, as it is inaccessible per the Americans with Disabilities Act of 1990 (ADA) and making it accessible would require a ramp of over 200' in length that would take up a significant amount of space and would result in a fundamental change to the original design. Peavey Plaza's storm water management systems are not code-compliant and require complete replacement. Further, the plaza predates the evolution of "Crime Prevention Through Environmental Design" (CPTED) principles, which promote design that allows for public safety through maximum visibility and surveillance and the elimination of areas that are hidden from view. The sunken design with steps does not allow the movement of vehicles and equipment into the lower level thus increasing operating and maintenance costs. By nature of its design, Peavey Plaza does not comply with CPTED principles and has become home to nuisance crime. The plumbing systems that support the water features have failed and require replacement. Two of the three original pumps have failed, the cast iron piping buried underground and in concrete foundations has rusted and some pipes are clogged.

Correction of storm water management and plumbing system issues alone require the disturbance of the majority of Peavey Plaza and replacement of the original features with new construction. This alternative would effectively result in the replacement of Peavey Plaza with a new copy of the original design that would be costly and would still not correct for the accessibility and safety issues that are inherent to the original design. Additionally, there are not sufficient funds in the City budget to complete replacement and necessary maintenance.

Appellant intends to construct a new, more cost effective, code compliant and contemporary plaza that attracts capital donations, serves all citizens and supports event use that would allow for sustained maintenance of the public asset. The revitalization of the plaza will be funded with private donations and \$2 million in state grant funds. Private funders expect a tangible enhancement to the plaza's design in terms of aesthetics, accessibility, safety, function, and in creating an economically sustainable operating model for the future. Potential funders will not contribute to a restoration of the original design because it can't address these issues adequately.

Appellant maintains that even if it were a historic resource, there are no reasonable alternatives to the demolition of Peavey Plaza due to the great impact restoration work would have on the original materials of the Plaza, the high projected capital costs for renovation/replacement and the economic value and usefulness of the existing facility. Appellant intends to construct a new, more cost effective, code compliant and contemporary plaza that better serves all citizens and better supports the event use that Peavey Plaza has come to accommodate.

4. Attach a list of property owners and mailing labels for property located within 350 feet of the affected property obtained from:

Hennepin County Taxpayer Services Division  
A-600 Government Center  
300 South 6<sup>th</sup> Street  
Minneapolis, MN 55487  
Telephone: 612-348-5910

5. Attach three copies of scaled and dimensioned plans for the project including at least one copy that is reduced to 8 1/2" x 11" or 11" x 17". Project plans must include a site plan, floor plan, and all exterior elevations.

Signature of Applicant:



Date:

4/26/2012

Submit completed application and required attachments to:

Minneapolis Community Planning & Economic Development (CPED)  
Preservation and Design  
250 S. 4<sup>th</sup> Street, Room 300  
Minneapolis, MN 55415-1385  
Telephone: 612-673-2597  
Telephone: 612-673-2597

**For CPED-Planning use only:**

Date received:

\_\_\_\_\_

Received by:

\_\_\_\_\_

Date application complete:

\_\_\_\_\_

Name of building/project:

\_\_\_\_\_

Historic district (if applicable):

\_\_\_\_\_

Public hearing date:

\_\_\_\_\_

Date HPC decided:

\_\_\_\_\_

Date City Council Approved:

\_\_\_\_\_

Date City Council Denied:

\_\_\_\_\_

**MINNEAPOLIS CODE OF ORDINANCES**  
**CHAPTER 599, HERITAGE PRESERVATION REGULATIONS**

**ARTICLE IV. APPEALS**

**599.180. Appeals of decisions of the planning director.** All findings and decisions of the planning director, director of inspections or other official involved in the administration or the enforcement of these heritage preservation regulations shall be final subject to appeal to the heritage preservation commission, except that appeal of a decision of the director of inspections involving a violation of Title 5 of the Minneapolis Code of Ordinances, Building Code, or Title 12 of the Minneapolis Code of Ordinances, Housing, shall be as provided in the written order. Appeals may be initiated by any affected person by filing the appeal with the planning director on a form approved by the planning director and shall be accompanied by all required supporting information, as specified in section 599.160. All appeals shall be filed within ten (10) calendar days of the date of the decision. Timely filing of an appeal shall stay all proceedings in the action appealed, unless the planning director certifies to the commission, with service of a copy to the applicant, that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed. The commission shall hold a public hearing on each complete application for an appeal as provided in section 599.170. All findings and decisions of the commission concerning appeals shall be final, subject to appeal to the city council as specified in section 599.190. (2001-Or-029, § 1, 3-2-01)

**599.190. Appeals of decisions of the heritage preservation commission.** All decisions of the heritage preservation commission, except decisions to commence designation studies, designations, historic variances and transfers of development rights, shall be final subject to appeal to the city council and the right of subsequent judicial review. Appeals may be initiated by any affected person by filing the appeal with the planning director on a form approved by the planning director and shall be accompanied by all required supporting information, as specified in section 599.160. All appeals shall be filed within ten (10) calendar days of the date of decision by the commission. No action shall be taken by any person to alter the property until expiration of the ten (10) day appeal period and, if an appeal is filed pursuant to this section, until after a final decision has been made by the city council. Not less than ten (10) days before the public hearing to be held by the zoning and planning committee of the city council to consider the appeal, the planning director shall mail notice of the hearing to the property owner and the surrounding property owners who were sent notice of the public hearing before the commission. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this section has been made. (2001-Or-029, § 1, 3-2-01)



## FACILITIES ASSESSMENT SYNTHESIS

This synthesis diagram illustrates in yellow-shading the areas of site disturbance that Peavey Plaza would undergo to accommodate the changes discussed throughout the Facilities Assessment, which are needed to bring the existing plaza into the 21st century.

The Stormwater Treatment and Storage System would need a complete overhaul, according to the Water Feature Assessment. The diagram demonstrates a pipe connection from the basin to the street level which would involve significant demolition of the conditions around it, as well as the areas of the fountain that would undergo significant demolition, in order to evaluate and replace the pipes.

Addressing code and ADA standards requires that handrails be placed (and replaced) at stair locations, as well as including an accessibility ramp that complies with the slope and width standards. The diagram shows the amount of area needed to fit in a ramp to fit the requirements: assuming the 8.5 foot depth of the plaza to the street level, with a maximum slope of 5% - the ramp would have to be 170 feet in length, as well as a minimum width of 5 feet.

The Orchestra Hall addition of the City Room dramatically tightens the aperture for viewing the plaza from the 11th Street and Nicollet Mall corner edges. The shading around the edges of the facility addresses the new building facade.

Finally, the shading addresses the areas of the plaza that has been altered and inappropriate to the design or is in significant decline; in particular the walls, concrete and vegetation.



